

IN UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TAKIA WALTON, DANYLLE  
MCHARDY, GEORGE DE LA PAZ  
JR., KEVIN JACOBS and FEIONA  
DUPREE, Each individually and on  
Behalf of ALL OTHERS SIMILARLY  
SITUATED

Plaintiff,

v.

PUBLIX SUPERMARKETS, INC.  
Defendant.

Civil Action No.: 1:19-cv-4466 LMM

**STATEMENT OF OPPOSITION**

COMES NOW PLAINTIFFS, by and through the undersigned counsel, and hereby notifies the court that it opposes Defendant's filing of a motion for partial summary judgment regarding Plaintiffs' proposed class definition. Plaintiffs vigorously dispute Defendant's false contention that it classified all of its assistant managers as non-exempt throughout the relevant period, and its related claim that Plaintiffs' proposed collective definition includes both exempt and non-exempt

positions. As the court has already recognized, a summary judgment ruling on this issue would be inappropriate without permitting Plaintiffs an opportunity to conduct discovery and introduce evidence to refute Defendant's claim that it paid all of its assistant managers hourly wages prior to April 2019.

Plaintiffs propose a limited period discovery regarding these issues. This period would include 14 days for Plaintiffs to request written discovery, followed by a 14 day response period for Defendant. Within 7 days of the Defendant's response, Plaintiffs will move to compel responses and /or seek leave of the court to conduct additional discovery, if necessary.

Dated: April 24, 2020

Respectfully submitted,

By: /s/Arnold Lizana

Arnold Lizana

GA Bar No.: 698758

Law Offices of Arnold J. Lizana III P.C.

1175 Peachtree Street NE, 10th Floor

Atlanta, GA 30361

T: 877-443-0999

F: 877-443-0999

[alizana@attorneylizana.com](mailto:alizana@attorneylizana.com)

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of April 2020, I filed this document  
Plaintiffs' Statement of Opposition with the Clerk of the Court using the ECF, and  
served a copy by email to the following:

s/Arnold Lizana  
Counsel for Plaintiffs

STATEMENT OF COMPLIANCE WITH LOCAL RULE 7.1(D)

This brief has been prepared with one of the font and point selections  
approved by the court in Local Rule 5.1(C), namely Times New Roman 14 pt.

s/Arnold Lizana  
Counsel for Plaintiffs